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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,879	09/19/2001	Kelyn Anne Arora	8293R	1449

27752 7590 12/08/2004

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EXAMINER  
TORRES VELAZQUEZ, NORCA LIZ

ART UNIT  
1771

PAPER NUMBER

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/955,879	ARORA ET AL.
	Examiner Norca L. Torres-Velazquez	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 7-27 is/are pending in the application.
- 4a) Of the above claim(s) 13-27 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 7-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The declaration under 37 CFR 1.132 filed on September 30, 2004 is insufficient to overcome the rejection of claims 1-5 and 7-11 based upon MEECE et al. (US 2001/0008675 A1) under 35 U.S.C. 103(a) as set forth in the last Office action because: while Applicants present results for a nonwoven web with an average basis weight of  $61.7 \pm 0.4$  grams per square meter, such as the one shown by MEECE et al. in their examples; it is noted that the MEECE et al. reference does not disclose that the basis weight of their nonwoven web is limited to those values shown in their examples. It is the Examiner's position that the teachings of MEECE et al. are applicable to nonwovens of any basis weight and that it is well known in the art that thinner fabrics are less rigid than thicker ones. Therefore, it would be obvious to one of ordinary skill in the art to produce a fabric with a low basis weight in order to have a less rigid material that will have a lower bending rigidity than a thicker one made in the same manner.

### ***Claim Rejections - 35 USC § 102/103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over MEECE et al. (US 2001/0008675 A1).

MEECE et al. discloses a nonwoven web of multipolymer fibers for use in disposable absorbent articles. [0001] The reference teaches that the multipolymer fibers can be formed from immiscible polymers that include polyethylene and polypropylene. [0017] Further, it teaches that the multipolymer fibers may comprise from 1 to 50 percent by weight polyethylene and from 99 to 50 percent by weight polypropylene. Fabrics formed from such blends exhibit

low fuzz and good elongation. [0051] In Figure 1, the reference shows a web that has been bonded and intermittent point bond regions 22 are formed wherein the web is bonded. The fused regions cover preferably between 6 and 30 percent of the area of the web. The reference teaches the use of thermal bonding. [0060] MEECE et al. teaches the use of incremental mechanical stretching of the web. [0016] The reference further teaches that the extensible nonwoven web, in all embodiments of their invention, is characterized by having high surface abrasion resistance and high elongation. [0059] With regards to the basis weight of the nonwoven web, Examples 1 and 2 of Table 1 of the reference show average values of 62.07 and 64.61 gsm for the webs. It is noted that while these values are presented by the reference, these are not limiting the range of basis weight at which the nonwoven web of MEECE et al. can be constructed.

It is the Examiner's interpretation of the MEECE et al. discloses all the elements of applicant's claim 1. Although MEECE et al. does not explicitly teach the claimed fuzz removal value and the bending rigidity, it is reasonable to presume that said properties are inherent to MEECE et al. Support for said presumption is found in the use of like materials (i.e. nonwoven web with a basis weight of at least about 10 gsm, made of multicomponent fibers of polyethylene and polypropylene, and a consolidation area between 6-30 percent and the nonwoven web is stretched by an incremental stretching procedure). The burden is upon Applicant to prove otherwise. *In re Fitzgerald* 205 USPQ 594. In addition, the presently claimed property of a fuzz removal value of less than about 0.30 mg/cm<sup>2</sup> and a bending rigidity of less than about 0.018 g.cm<sup>2</sup>/cm would obviously have been present one the MEECE et al. product is provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977) as to the providing of this rejection made above under 35 USC 102.

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Norca L. Torres-Velazquez  
Examiner  
Art Unit 1771

December 2, 2004